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# **TOWN OF ADDISON**

## **CHARTER REVIEW COMMISSION**

### **FINAL REPORT**

**May 5, 2010**

**TOWN OF ADDISON**  
**2010 CHARTER REVIEW COMMISSION**  
**FINAL REPORT**  
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## Section 1

### EXECUTIVE SUMMARY

#### 1.1 BACKGROUND

In accordance with Section 11.29 of the Charter, the Addison City Council in early 2010 appointed a Charter Review Commission. This Commission first met on February 3, 2010. A Chair Person and Vice Chair were elected and a methodology for proceeding with review of the Charter was agreed upon.

A series of meetings was held to review all sections of the Charter. As a matter of procedure, each meeting leading up to those devoted to preparation of a draft and final report was opened with a public hearing; all public comments concerned the sale of alcohol in one form or another.

This document is the final report of that Commission.

#### 1.2 RECOMMENDATIONS

The changes recommended by the Commission fall into two major categories.

First, in a change to Charter Section 11.04, the Commission unanimously recommends that an exception to the restrictions on sale of alcoholic beverages be made to permit the sale of beer and wine for off-premises consumption, subject to zoning ordinances and regulations of the city.

Second, the Commission recommends a number of other changes to reflect streamlining, editing, updating, clarifications and elimination of inconsistencies.

#### 1.3 OVERVIEW

In addition to the Executive Summary, this report details Commission membership and Addison staff support, provides the rationale for recommended changes to sale of alcohol restrictions, contains a discussion of term limit considerations, and lists proposed revisions to other Sections of the Charter.

## Section 2

### COMMISSION CHAIR, MEMBERS AND STAFF SUPPORT

#### 2.1 COMMISSION CHAIRS

Linda Groce – Chairman\*

David Griggs – Vice Chairman

#### 2.2 COMMISSION MEMBERS

Bruce Arfsten

Kelly Blankenship

Burk Burkhalter

Margie Gunther

Susie Hayes

Neil Hewitt\*

Lance Murray\*

Suzie Oliver

Bill Perry\*

Roy Stockard

\*Member of the Charter Review Commission Final Report Sub-Committee

Paula Ransom\*\*

Neil Resnik\*\*

\*\*Resigned

### 2.3 STAFF SUPPORT

Carmen Moran – Staff Liaison

Lea Dunn

John Hill

Jason Mathis

## Section 3

# RATIONALE FOR CHANGE TO RESTRICTION ON SALE OF ALCOHOLIC BEVERAGES

### 3.1 HISTORY

In 1975, Addison voters approved the sale of alcoholic beverages within the City for on-premises and off-premises consumption. In 1982, the voters approved a restriction on the location of the sale for off-premises consumption to the area on the west side of Inwood Road between the southern city limits and the southern side of Belt Line Road. This restriction was included in the Charter as Section 11.04.

Prior to 1987, Texas cities generally had the authority to regulate the locations of the sale of alcoholic beverages. In 1987, the Texas Legislature (per Section 109.57 of the TABC Code) preempted cities' authority to regulate such sales. However, municipal regulations in effect prior to TABC Section 109.57 enactment were "grandfathered" by Subsection (c) of the statute. Thus Section 11.04 of the Charter was not preempted and remains valid.

### 3.2 CURRENT TIMES

The Commission held a public hearing at the start of each Commission meeting. At the March 10 meeting, there were 10 speakers, 3 of which represented businesses or groups; 9 of the 10 speakers spoke in favor of expanding alcohol sales beyond the Inwood Road area. At the March 31 meeting there were 5 speakers, 3 representing businesses or groups; 3 were in favor of changes and 2 were opposed. All of those businesses that expressed an interest in loosening the alcohol restrictions were only interested in selling beer and wine and expressed no desire to sell distilled spirits.

Those that were in favor included comments such as:

- Beer and Wine are keys to attracting new retail development
- Residents would prefer buying locally as a matter of convenience and to spend their money in Addison versus neighboring communities
- A feeling that a lack of strong retail development contributed to decline in residential property values
- The hope of rejuvenating sales and property tax revenues
- Addison's commercial property is seen as less desirable than surrounding communities due to Charter restrictions

- Charter Section 11.04 is outdated and not in step with current shopping habits of the retail consumer

Those opposed included comments such as:

- The existing arrangement works and has stood the test of time
- By having all alcohol sales for off-premises consumption along Inwood Road, policing for alcohol related offenses is simplified and more cost effective
- Liquor sales are kept out of convenience stores and gas stations
- Due to complexity of the laws, a change in the Charter language could result in key issues, such as where and what type of alcohol is sold, being decided in the courts
- One speaker objected to letting the Addison voters decide the matter

The Commission discussed other relevant points including the following:

- Competition for retail development from the north
- The impact of potential Dallas city-wide beer and wine sales
- The possibility of attracting high-end grocery stores
- Improvement of business prospects for existing grocers
- Consumer personal spending habits and statistics
- Liquor stores are not a major generator for offense reports and arrests

The Commission digested all input and, after much deliberation, reached the conclusion that a change in the Addison approach to sale of alcoholic beverages for off-premises consumption would be beneficial to the town, its residents, businesses and visitors.

### 3.3 COMMISSION PREFERENCE FOR BEER AND WINE

The Commission discussed several different options relating to changes in the approach to sell alcohol. It reached a unanimous consensus to recommend an exception to the existing Charter Section 11.04 restrictions to permit the sale of beer and wine for off-premises consumption, subject to zoning ordinances and regulations of the city, while continuing to restrict the sale of distilled spirits to the Inwood Road area.

### 3.4 IMMEDIATE IMPACT

Unlike surrounding communities that have held local option elections to immediately authorize the sale of beer and wine according to current TABC regulations, should the Addison voters approve the recommended Charter change, no additional businesses will be immediately authorized to sell beer and wine. In addition to TABC regulations, any Addison business outside the current Inwood Road area that wishes to sell beer and wine will be subject to the same zoning requirements and Special Use Permit (SUP) approval process as those currently in the Inwood Road area.

### 3.5 POTENTIAL LEGAL CHALLENGES

Current state code does allow amending a Charter provision such as Addison's Section 11.04 as long as the amended provision is "less restrictive". Given that Addison is the only city in the entire state of Texas that is allowed to regulate alcohol sales in this manner, it is possible that the amended Charter provision may be challenged. The Commission thoroughly discussed the possible ramifications of legal challenges to a potential change in the Charter and posed different questions testing the strength of the Commissioners' resolve in wanting to allow the city-wide sale of beer and wine. The majority of the Commissioners by a 9 to 3 vote were in favor of the Charter being changed even if a legal challenge invalidated Charter Section 11.04 grandfather clause and resulted in sales of distilled spirits city-wide, in addition to beer and wine.

### 3.6 CONCLUSION

The Commission was unanimous in its recommendation to open the entire city to beer and wine sales, subject to zoning restrictions and regulations, and a clear majority of Commissioners favored moving ahead with amending the Charter, even in the face of potential legal challenges. However, it was split on the best way to amend Charter Section 11.04. Two approaches were considered:

1. Retain the existing wording and simply add an exception clause for beer and wine at the end of the Section.
2. Add severability language in addition to the exception clause that would express a preference for reverting to the status quo if the beer and wine only exception were rejected in a legal challenge.

In the favorable event that the City Council proceeds with an election to amend the Charter to allow for the sales of beer and wine for off-premises consumption, the Commission is confident that the members of the Council, with appropriate input from their legal advisors, will choose the best language to present to the voters.

## Section 4

### TERM LIMITS

#### 4.1 DISCUSSION

Term limits were discussed at length (Charter Section 8.04).

In a straw vote to determine if term limits should be kept and not eliminated, 10 of 11 Commissioners voted in favor of keeping some form of term limits.

The Commission also discussed the idea of extending the number of consecutive terms allowable (Charter Section 8.04h). The main benefit of extending the number of consecutive terms was the opportunity for members of the Council to establish better relationships in regional governmental organizations. In a straw vote regarding discussion of extending the number of terms for the Mayor and Council Members from a maximum of three consecutive terms to four, the following results were recorded, from the 11 Commissioners present:

- 5 voted that the Mayor be allowed to serve four consecutive terms
- 2 voted that Council Members be allowed to serve four consecutive terms

#### 4.2 CONCLUSION

Thus, since there was no majority reached in regard to making any changes, the Commission decided to recommend no revision to term limits in Section 8.04.

## Section 5

### **OTHER PROPOSED REVISIONS TO THE CHARTER**

The Commission recommends a number of changes to the Charter in addition to the one related to sale of alcohol as presented Section 2. These other changes reflect the need for streamlining, editing, updating, clarification, and elimination of inconsistencies. Most relate to simple "clean up", with the exception of those for Charter Sections 2.10, 6.02, 7.02, and 11.26. Proposed changes for these four are more substantive.

A brief discussion follows each recommended change describing reasons for recommending those changes.

#### **Section 2.01. Number.**

The legislative and governing body of the Town shall be a City Council which shall be composed of a mayor and six (6) council members. When used in this Charter, the term "Council" shall mean the City Council, and the phrase "member of the Council" and the phrase "member of the City Council" shall mean and include the Mayor or any council member. (Ord. No. 088-032, § 1, Prop. 2, 7-12-1988, election 8-13-1988; Ord. No. 092-073, 11-24-1992, election 1-16-1993)

DISCUSSION: effort to clear up ambiguity between the terms Council and City Council.

#### **Section 2.02. Qualifications.**

The members of the City Council shall be qualified voters of the Town of Addison who have been residents of the Town for at least twelve months~~one year~~ immediately preceding election day and who shall never have been finally convicted of a felony offense or any offense involving moral turpitude from which the person has not been pardoned or otherwise released from the resulting disabilities.

(Ord. No. 088-032, § 1, Prop. 2, 7-12-1988, election 8-13-1988)

DISCUSSION: provide clarity as to how long a candidate has to reside in the city prior to an election

#### **Section 2.05. Vacancies in Council.**

A single vacancy in the office of Council member shall be filled by a majority vote of the remaining members of the Council within thirty (30) days of the vacancy, or as soon thereafter as

practicable, at a meeting subsequent to the date on which the vacancy occurs. The person selected shall not be one of the remaining members of the Council and once chosen, he shall serve until the next general town election shall be held to fill the unexpired term or regular term, as the case may be. ~~Provided, however, that if a vacancy occurs when the unexpired term of the vacated office shall exceed one (1) year, and if such since any vacancy which occurs does not allow, under Texas law, sufficient time for an election to be ordered to fill the vacancy at the same time as the next within forty five (45) days prior to a general Town election, and so does not allow time for candidates to file for such a vacated Council position, the appointment to fill such a vacancy shall be made within thirty (30) days after the election, or as soon thereafter as practicable, and not before the election. When two (2) or more vacancies exist when there is not sufficient time under Texas law to order and hold a special election to fill such vacancies, a special election shall be ordered and held in accordance with Texas law to elect successors to fill the vacated unexpired terms as soon as possible after such vacancies exist, provided that if such vacancies occur within ninety (90) days prior to a regular Town election, then such successors shall be elected at such regular Town election. When two (2) or more vacancies occur within forty five (45) days prior to such regular Town election and there is insufficient time for candidates to file for the vacated Council positions, a special election shall be held as soon as possible after the regular general Town election.~~

(Ord. No. 088-032, § 1, Prop. 2, 7-12-1988, election 8-13-1988)

DISCUSSION: provide clarity and make section consistent with State Law

#### **Section 2.06. Mayor.**

The Mayor shall preside at meetings of the Council, shall be recognized as head of the Town government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties. The Mayor may participate in the discussion of and shall be entitled to vote on all matters coming before the Council. A vacancy in the office of Mayor shall be filled by the Council members in the same manner as provided in Section 2.05 except that one of the ~~remaining~~ Council members may be selected as Mayor.

DISCUSSION: provide clarity

#### **Section 2.08. Powers of the City Council.**

All powers of the Town and the determination of all matters of policy shall be vested in the City Council. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:

- a. Appoint and remove the City Manager as hereinafter provided;
- b. Reserved;
- c. Adopt the budget of the Town;
- d. Authorize the issuance and sale of bonds, by a Bond Ordinance;

- e. Collectively inquire into the conduct of any office, department or agency of the Town and make investigations as to Municipal affairs;
- f. Appoint the members of the Planning and Zoning Commission;
- g. Provide for such additional boards and commissions, not otherwise provided for in this Charter, as may be deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by Town Ordinance or by law;
- h. Adopt and modify the zoning plan and the building code of the Town;
- i. Adopt and modify the official map of the Town;
- j. Adopt, modify and carry out plans proposed by the Planning and Zoning Commission for the replanning, improvement and redevelopment of any area or district which may have been destroyed in whole or in part by disaster;
- k. Adopt, modify and carry out plans proposed by the Planning and Zoning Commission for the clearance of slum districts and rehabilitation of blighted areas;
- l. Regulate the speed of engines, locomotives or other power-driven equipment operating upon tracks, rail, or defined routes, either at ground level, overhead or underground within the limits of the Town, and to regulate the operation of the same so as to prohibit the blocking of intersections, streets, alleys, avenues or impeding the free flow of vehicular traffic or pedestrians;
- m. Regulate, license and fix the charges or fares by any person, firm or corporation owning, operating or controlling any vehicle ~~or [of] of~~ any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the Town;
- n. Provide for the establishment of districts and limits, except as otherwise provided hereinafter; within the Town, where the sale of spirituous, vinous and malt liquors may be located and maintained; and to prohibit the sale of such liquors or the locations of such businesses without such defined districts or limits;
- o. Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein, and provide for the erection of fireproof buildings within said limits, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings, or buildings calculated to increase the fire hazard and prescribe the manner of their removal or destruction within said limits;
- p. Provide for a sanitary sewer and water system, and require property owners to connect their premises with sewer system, and provide for penalties for failure to make sanitary sewer connections;
- q. Provide for sanitary garbage disposal, and set fees and charges therefor, and provide penalties [for failure] to pay such fees and charges. To define nuisances; and, to prohibit same; and provide penalties for violations;

- r. Provide for all necessary public utilities and set fees and charges therefore [therefor] and provide penalties for misuses of same;
- s. Exercise exclusive dominion, control and jurisdiction, (including the right to close and abandon streets and alleys), in and upon, over and under, the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the Town; and, provide for the improvement of same, as provided in V.T.C.A., Transportation Code ch. 313, as now, or hereafter amended;
- t. Compromise and settle any and all claims, demands, and lawsuits, of every kind and character, in favor of, or against, the Town of Addison;
- u. To require bonds, both special and general, for all contractors and others constructing or building for the Town, and set up standards, rules, and regulations therefor;
- v. To pass Ordinances defining and prohibiting misdemeanors and vagrancy; and, provide penalties for violations;
- w. To provide and/or arrange for any and all "Civil Defense Measures," and "Public Shelter Measures" for the Town of Addison, Texas, and for the citizens thereof, deemed necessary for the Public Welfare;
- x. To exercise, or delegate to the Mayor, extraordinary and total Executive powers, (on a temporary basis), during the existence and duration of any major public disaster, for the Public Welfare;
- y. Appoint Judge of Municipal Court;
- z. Provide for an independent audit.

DISCUSSION: correct grammar errors and typos

#### **Section 2.09. Interference in administrative matters.**

Except as herein provided in this Charter, the Council ~~and its members~~ shall deal with the administrative departments and personnel solely through the City Manager, and no member of neither the Mayor, the Council, nor any member thereof shall give directives to any subordinate of the City Manager, either publicly or privately. Neither the Council nor any member of the Council, nor any of its committees of the Council or members shall require or attempt to require the appointment of any person to, or his removal from, office or employment by the City Manager or any of his subordinates, or in any manner interfere in the appointment of officers and employees in the department of administrative service vested in the Manager by this Charter.

(Ord. No. 088-032, § 1, Prop. 1, 7-12-1988, election 8-13-1988)

DISCUSSION: provide clarity and uniformity for use of terms

#### **Section 2.10. Meetings of the City Council.**

In at least 11 months of the year, ~~The~~ City Council shall hold at least one or more regular meeting in each month at a time to be fixed by it for such regular meetings, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the Town and its citizens. Except as allowed by state law, all meetings of the City Council shall be open to the public and shall be held and notice given in accordance with applicable provisions of State law. Meetings shall be held at the Town Hall, except that the City Council may designate another place for such meetings and shall take such action as is reasonable and necessary to accommodate the public. Special meetings of the Council may be called by the Mayor or four (4) Council members giving written notice of such meetings to the City Secretary, who shall notify each member of the Council and the City Manager of the time and place of each meeting and the purpose for which it was called.

(Ord. No. 088-032, § 1, Prop. 2, 7-12-1988, election 8-13-1988; Ord. No. 092-073, 11-24-1992, election 1-16-1993)

State law reference-Open meetings and notices thereof, V.T.C.A., Government Code ch. 551.

DISCUSSION: provide consistency with current practice

#### **Section 2.17. Induction of Council into office.**

The first meeting of each newly elected Council, for induction into office, shall be the next regular meeting following its election. At such meeting, the first order of business shall be the canvassing of returns, declaring the results and the swearing in of such newly elected ~~Council~~ members of the Council.

DISCUSSION: provide consistency on terms used throughout Charter

#### **Section 4.06. City Secretary.**

The City Council shall appoint an officer of the Town, who shall have the title of City Secretary. The City Secretary shall give notice of the Council meetings, shall keep minutes of its proceedings, shall authenticate by his ~~or her~~ signature and record in full in a book kept for the purposes of all Ordinances and Resolution and shall perform such other duties as shall be required by this Charter or by the City Manager. He ~~or she~~ may be removed from office by the City Council. To perform the City Secretary's duties during his ~~or her~~ temporary absence or and disability, the City Manager may appoint an assistant City Secretary until he ~~or she~~ shall return or ~~their~~ his disability shall cease.

(Ord. No. 084-043, § 1, Prop. 2, 6-26-1984, election 8-11-1984)

DISCUSSION: eliminate cumbersome gender wording and improve clarity

#### **Section 5.09. Certification; copies made available.**

A copy of the budget, as finally adopted, shall be filed with the City Secretary, Dallas County Clerk, and the State Comptroller of Public Accounts at Austin. The final budget shall be printed, ~~mimeographed~~ or otherwise reproduced and sufficient copies shall be made available for the use of all offices, agencies and for the use of interested persons and civic organizations.

DISCUSSION: eliminate reference to an out-dated technology

**Section 5.16. Where payable; no demand necessary.**

All taxes shall be payable at the office of the Collector and Assessor of taxes in the Town of Addison ~~at the Finance building or at such other places in the Town of Addison~~ as may be specifically designated by the Council.

No demand for such taxes shall be necessary, but it is the duty of the taxpayer to make such payment of such taxes in ~~each~~ United States currency, or by such other method as approved by the City Council, within the time specified.

(Ord. No. 088-032, § 1, Prop. 5, 7-12-1988, election 8-13-1988)

DISCUSSION: provide consistency with current practice

**Section 5.27. Payment, delinquency, penalties.**

The taxes herein and hereby authorized to be levied shall become due and payable October 1 of the year assessed, and the same shall be payable in ~~each~~ United States currency, or by such other method as approved by the City Council, at the office of the Assessor and Collector of taxes or at such other places as may be specifically designated by the Council. Taxes shall be deemed and become delinquent if not paid prior to February 1, the year following assessment, and such delinquent taxes shall be subject to a penalty and shall bear interest at the rates prescribed by Ordinance of the City Council. In addition to such penalties and interest, a delinquent taxpayer shall be subject to the payment of all costs and expenses that may be incurred in the collection of such taxes through any method provided by this Charter and/or the laws of the State of Texas, and such penalties and interest shall be collected in the same manner as other taxes. The Council may by Ordinance provide that all taxes, either current or delinquent, due to the Town of Addison may be paid in installments except that such installments shall not exceed, one year.

DISCUSSION: provide consistency with current practice

**Section 5.28. Tax levy and lien.**

A lien is hereby created on all property, personal and real, in favor of the Town of Addison, for all taxes, ad valorem, occupation or otherwise. Said lien shall exist from the first day of January ~~first~~ in each year until the taxes are paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever

defeat such lien, but the Assessor and Collector of taxes can pursue such property, and whenever found out, may seize and sell enough thereof to satisfy such taxes.

DISCUSSION: ~~provide consistency with current practice~~

### **Section 6.02. Franchises; power of the City Council.**

The City Council shall have power by Ordinance to grant, amend, renew and extend, all franchises of all public utilities of every character operating within the Town of Addison. A summary of ~~all~~ Ordinances granting, amending, renewing, or extending franchises for public utilities shall be read at two (2) separate regular meetings of the City Council, and any such Ordinance shall not be finally passed until thirty (30) days after the first reading; and no such Ordinance shall take effect until thirty (30) days after its final passage; and pending such time, the full text a summary of such Ordinance shall be published once a week for four (4) consecutive weeks in the official newspaper of the Town of Addison, and the expense of such publication shall be borne by the proponent of the franchise, and shall be posted for a period of four (4) consecutive weeks at the regular place of posting of City Council meeting agendas. No public utility franchise shall be granted for a term of more than twenty (20) years; nor shall same be transferable, except with the approval of the City Council, expressed by Ordinance.

DISCUSSION: - staff recommended change to simplify cumbersome franchise approval process and the Commission unanimously agreed.

### **Section 6.05. Grant not to be ~~in~~exclusive.**

No grant, contract, or franchise, to construct, maintain, or operate a public utility, for or in Addison, Texas, and no renewal or extension of such grant, contract, or franchise, shall be exclusive.

DISCUSSION: correct typo

### **Section 7.02. Development of property.**

The City Council may encourage~~shall cooperate in every manner possible with persons interested in the development of property, promote economic development, and stimulate business and commercial activity, within, or beyond, the Town limits, in accordance with Texas law.~~ No expenditure of public funds, however, shall be authorized for the development of privately owned subdivisions, situated within or beyond the corporate limits of the Town; except, ~~(where feasible for the Town) for the extension of utilities or services to such areas.~~

DISCUSSION: strike prohibition of participation in privately owned subdivisions, and reword language on cooperation of the town with persons interested in developing the Town

### Section 8.03. Nominations.

Any person having the qualifications required by this Charter and State law may place his ~~own name in nomination as candidate for Mayor or Councilman by filing with the City Secretary, or may be placed in nomination by a petition signed by at least ten (10), or not more than fifteen (15) qualified voters, who shall be designated as his sponsors. No voter shall sign more than one petition and should a voter do so, his signature shall be void except as to the petition first filed. With each signature shall be stated the place of residence of the signer, giving the street, number or other description sufficient to identify it.~~

Persons who desire to be candidates, or petitioners placing a name in nomination, must file with the City Secretary not earlier than ninety (90) days nor later than thirty (30) days before the election.

Acknowledgment of nomination by each nominee will be in writing and will be accepted by the City Secretary or other persons authorized to administer oaths under the laws of the State of Texas.

Any person who has placed his own name in nomination or has been placed in nomination by petition shall take the following oath:

"I do hereby declare that I accept the nomination for the Council and agree to serve if elected. I am \_\_\_\_\_ years of age, a qualified voter of the Town of Addison, a resident of the State of Texas for at least one year and of the Town of Addison or an area now within the corporate limits of the Town of Addison for at least one year. I am not in arrears in the payment of any taxes or other liability due the Town. At the present time, I reside at \_\_\_\_\_ Street in the Town of Addison."

Signature of candidate \_\_\_\_\_

Date and hour of filing \_\_\_\_\_

Received by: \_\_\_\_\_

(Signature of City Secretary)

The petition placing a person in nomination shall be in the following form:

"We, the undersigned voters of the Town of Addison, hereby nominate and sponsor \_\_\_\_\_, whose residence is \_\_\_\_\_, for the office of \_\_\_\_\_, to be voted for at the election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, and we individually certify that we are qualified to vote for a candidate for Mayor or Councilman and that during the current election we have not signed any other nominating petition for that office."

Name \_\_\_\_\_ Street and Number \_\_\_\_\_ Address from which last registered (if different) \_\_\_\_\_

Date of signing \_\_\_\_\_

These above statements will contain the following notarization:

[ ] State of Texas

County of Dallas

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and who acknowledged to me that the same was subscribed as his free act and deed for the purposes and consideration therein expressed.

Given under my hand and seal of office this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_." State law reference- Candidacy for town office, V.T.C.A., Election Code ch. 143.

DISCUSSION: change "19" to "20" and track with state law

#### **Section 8.04. Number, selection, and term of Council.**

The Council shall be composed of a Mayor and six (6) council members who shall be elected and serve in the following manner subject to the adopting of this Charter:

- a. The Mayor and Councilmen in office at the time of the adoption of this Charter shall continue to serve as Mayor and Councilmen under this Charter until the expiration of their present terms of office, or until their successors have been elected or selected and duly qualified under this Charter.
- b. In each odd-numbered year three (3) council members and a Mayor shall be elected and in each even-numbered year three (3) council members shall be elected.
- c. The Mayor and other members of the Council shall be elected from the Town at large, for a term of two (2) years.
- d. The candidate for Mayor who receives the highest number of valid votes by qualified electors voting at the election shall be declared elected.
- e. The candidates for election to the places of Councilmen, equal in number to the number of vacancies to be filled, who receive the highest number of valid votes cast by qualified electors voting at the election, shall be declared elected.
- f. In case of a tie vote as to any two (2) or more candidates, the Council shall, if the tie vote is not otherwise resolved in accordance with Texas law, order a special election in accordance with Texas law ~~within not less than thirty (30) days nor more than forty (40) days after the regular election~~ to resolve the tie vote as between such candidates.

g. All elections shall be held in accordance with the election laws of the State of Texas and the provisions of this Charter.

h. No person shall serve as Mayor for more than three (3) successive terms of office, and no person shall serve as a council member for more than three (3) successive terms of office. For purposes of this section, the phrase "terms of office" shall not include any unexpired portion of any two-year term.

(Ord. No. 092-072, 11-24-1992, election 1-16-1993)

DISCUSSION: streamline and provide consistency with State Law

### **Section 9.02. Initiative.**

Qualified voters of the Town may initiate legislation by submitting a petition addressed to the Council which requests the submission of a proposed Ordinance or Resolution to a vote of the qualified voters of the Town. Said petition must be signed by qualified voters equal in number to at least twenty-five (25) percent of those who were qualified voters on the date of the last regular municipal election as determined from the list of qualified voters maintained by the tax collector of Dallas County person having the duties of the voter registrar of Dallas County, and each copy of the petition shall have attached to it a copy of the proposed legislation. Each signer of such petition shall personally sign his name and address in ink or indelible pencil, and shall write after his name his place of residence, giving the name of the street and number, or place of residence, and shall also write thereon the date, the month and the year his signature was affixed.

(Ord. No. 088-032, § 1, Prop. 8, 7-12-1988, election 8-13-1988)

DISCUSSION: provide consistency with Dallas County's Voting system

### **Section 9.03. Form of initiative and referendum petition.**

The petition mentioned above must be addressed to the City Council of the Town of Addison, (and) must have attached to it a copy of the proposed legislation. The signature shall be verified by oath in the following form:

["]STATE OF TEXAS  
COUNTY OF DALLAS

I, \_\_\_\_\_, being first duly sworn, on oath depose and say that I am one of the signers of the above petition; and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

Sworn to and subscribed before me this the \_\_\_\_\_ day of 1920\_\_\_\_\_

\_\_\_\_\_  
Notary Public,  
Dallas County, Texas["]

DISCUSSION: change "19" to "20"

#### **Section 9.06. Voluntary submission of legislation by the Council.**

The Council, upon its motion and by a majority vote of ~~its~~the members of the Council, may submit to popular vote at any election for adoption or rejection any proposed Ordinance, Resolution or measure or may submit for repeal any existing Ordinance, Resolution or measure, in the same manner and with the same force and effect as provided in this article for submission on petition, and may in its discretion call a special election for this purpose.

DISCUSSION: clarify grammar

#### **Section 10.02. Petitions for recall.**

Before the question of recall of such officer shall be submitted to the qualified voters of the Town, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary; which said petition shall be signed by qualified voters equal in number to at least twenty-five (25) percent of those who were qualified voters on the date of the last regular municipal election as determined from the list of qualified voters maintained by the ~~tax collector person~~ having the duties of the voter registrar, of Dallas County. Each signer of such recall petition shall personally sign his name thereto in ink or indelible pencil, and shall write after his name his place of residence, giving name of street and number, or place of residence, and shall also write thereon the day, the month, and the year his signature was affixed.

(Ord. No. 088-032, § 1, Prop. 8, 7-12-1988, election 8-13-1988)

DISCUSSION: provide consistency with Dallas County's Voting system

#### **Section 11.15. Publicity of records.**

Town records and accounts which are required by the Texas ~~Open Records~~-Law to be open to the public shall be made available during normal business hours in accordance with the terms and provisions of that statute. The records may be examined and copied in the Town offices during normal business hours, at a nominal charge established by ordinance.

(Ord. No. 088-032, § 1, Prop. 11, 7-12-1988, election 8-13-1988)

State law reference-Open records, V.T.C.A., Government Code ch. 552.

DISCUSSION: provide consistency with State Law

### **Section 11.26. Disaster clause.**

In case of disaster when a legal quorum of elected ~~Councilmen~~ members of the Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving member or members of the elected Council, ~~or the~~ highest surviving non-elected Town official, and the County Judge of Dallas County or the County Judge's duly authorized designee, if no elected official remains, must within twenty-four (24) hours of such disaster, or as soon thereafter as possible request the highest surviving officers of the local Chamber of Commerce and the Board of Trustees of the local school district, and the County Judge of Dallas County to appoint a commission, which shall include any surviving elected members of the Council, ~~to act govern the City,~~ act during the emergency and call a Town election within fifteen (15) days of such ~~disaster-disaster,~~ or such other period of time as may be required by the Texas Election Code, for election of a required quorum, if for good reasons it is known a quorum of the present Council will never again meet.

DISCUSSION: update language and specify who appoints a commission to govern the City and correct a typo